

House Bill 1833

By: Representative Holland of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act entitled "An Act to establish a City Court in the City of Sylvester, County  
2 of Worth," such court now known as the State Court of Worth County, approved August 8,  
3 1916 (Ga. L. 1916, p. 314), as amended, particularly by an Act approved July 31, 1918 (Ga.  
4 L. 1918, p. 339), an Act approved August 7, 1920 (Ga. L. 1920, p. 391), an Act approved  
5 March 21, 1933 (Ga. L. 1933, p. 367), an Act approved March 12, 1935 (Ga. L. 1935, p.  
6 557), an Act approved March 11, 1953 (Ga. L. 1953, Jan.-Feb. Session, p. 3273), an Act  
7 approved March 17, 1967 (Ga. L. 1967, p. 2194), an Act approved March 4, 1969 (Ga. L.  
8 1969, p. 2170), an Act approved January 21, 1992 (Ga. L. 1992, p. 6057), and an Act  
9 approved April 5, 1993 (Ga. L. 1993, p. 4589), so as to provide for jurisdiction of such court;  
10 to provide for the contracting for services; to provide for punishments; to provide for a salary  
11 for the judge; to provide for the provision of facilities; to provide for a salary for the solicitor  
12 general of said court; to provide for a clerk and sheriff of said court; to provide for  
13 compensation; to provide that the judge and solicitor general and their staffs shall be eligible  
14 for county employee benefits; to provide an effective date; to repeal conflicting laws; and  
15 for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 An Act entitled "An Act to establish a City Court in the City of Sylvester, County of Worth,"  
19 such court now known as the State Court of Worth County, approved August 8, 1916 (Ga.  
20 L. 1916, p. 314), as amended, particularly by an Act approved July 31, 1918 (Ga. L. 1918,  
21 p. 339), an Act approved August 7, 1920 (Ga. L. 1920, p. 391), an Act approved March 21,  
22 1933 (Ga. L. 1933, p. 367), an Act approved March 12, 1935 (Ga. L. 1935, p. 557), an Act  
23 approved March 11, 1953 (Ga. L. 1953, Jan.-Feb. Session, p. 3273), an Act approved March  
24 17, 1967 (Ga. L. 1967, p. 2194), an Act approved March 4, 1969 (Ga. L. 1969, p. 2170), an  
25 Act approved January 21, 1992 (Ga. L. 1992, p. 6057), and an Act approved April 5, 1993

1 (Ga. L. 1993, p. 4589), is amended by inserting immediately following Section 1 a new  
 2 section to read as follows:

3 **"SECTION 1A.**

4 (a) The governing authority of Worth County may contract with the governing authority  
 5 of any municipality within Worth County for the county to furnish municipal court services  
 6 to the municipality as authorized by Article 5 of Chapter 7 of Title 15 of the O.C.G.A.; and  
 7 the governing authorities of such municipalities are likewise authorized to enter into such  
 8 contracts with the governing authority of Worth County.

9 (b) Any contract entered into pursuant to this section shall provide that the county shall  
 10 furnish municipal court services to the municipality through the officers, employees, and  
 11 facilities of the state court of the county. Any contract so entered into shall not become  
 12 effective unless it is approved by the state court judge then in office; and no such contract  
 13 shall extend beyond the term of the judge then in office.

14 (c) When acting as officers of the municipal court the judge and all other officers of the  
 15 state court shall be styled as the judge and officers of the municipal court; and all  
 16 pleadings, process, and papers of the municipal court shall be styled as such and not as  
 17 pleadings, process, and papers of the state court. The dockets and other records of the  
 18 municipal court shall be kept separately from those of the state court.

19 (d) Any limitations upon the punishment which may be imposed for violations of  
 20 municipal ordinances which are contained in the charter of the municipality shall continue  
 21 to control in municipal courts operated under this section, and if no such limitation exists  
 22 the maximum punishment imposed shall not exceed a fine of \$1,000.00 or six months'  
 23 imprisonment or both, unless some other general law authorizes greater punishment. Other  
 24 charter provisions not in conflict with this section shall continue to apply in municipal  
 25 courts operated under this Act."

26 **SECTION 2.**

27 Said Act is further amended by striking Section 4 and inserting in lieu thereof the following:

28 **"SECTION 4.**

29 The judge shall be a part-time judge within the meaning of Chapter 7 of Title 15 of the  
 30 O.C.G.A. and shall be paid an annual salary equal to 40 percent of the salary now or  
 31 hereafter paid to superior court judges. Said salary, which may also be supplemented by  
 32 the governing authority of Worth County, shall be payable out of the funds of Worth  
 33 County at the same intervals as installments are paid to other county employees. This  
 34 amount of compensation shall be increased by multiplying said amounts by the percentage  
 35 which equals 5 percent times the number of completed four-year terms of office served by

1 any judge following December 31, 2004, effective the first day of January following the  
2 completion of each such period of service.

3 **SECTION 4A.**

4 The governing authority of Worth County shall furnish the judge of the State Court of  
5 Worth County suitable courtroom space and facilities, a copy of the Official Code of  
6 Georgia Annotated and annual supplements to the Code to keep it current, office space,  
7 office equipment, computer equipment, supplies, educational expenses and travel expenses,  
8 and such personnel as may be considered necessary by the judge to the proper functioning  
9 of the court. All of the expenditures authorized in this section are declared to be an  
10 expense of said court and payable out of the county treasury as such.

11 **SECTION 4B.**

12 In the event that the judge of the State Court of Worth County is unable to preside in court  
13 for any reason, is disqualified for any reason, or needs assistance for any reason then said  
14 judge may avail himself or herself of support as provided by Chapters 1 and 7 of Title 15  
15 of the O.C.G.A. or may appoint a judge pro hac vice, who shall meet the same  
16 qualifications as said state court judge, to serve in his or her absence."

17 **SECTION 3.**

18 Said Act is further amended by striking Section 9 and inserting in lieu thereof the following:

19 **"SECTION 9.**

20 The solicitor-general of said court shall have such qualifications, shall be vested with all  
21 of the power and authority, and shall be subject to such restrictions and discipline as  
22 provided in Article 3 of Chapter 18 of Title 15 of the O.C.G.A.

23 **SECTION 9A.**

24 The solicitor-general shall be a part-time solicitor-general within the meaning of Chapter  
25 18 of Title 15 of the O.C.G.A., and he or she shall be paid an annual salary equal to 40  
26 percent of the salary now or hereafter paid to district attorneys. Said salary, which may  
27 also be supplemented by the governing authority of Worth County, shall be payable out of  
28 the funds of Worth County at the same intervals as installments are paid to other county  
29 employees. The salary of said solicitor-general shall be an expense of said court and  
30 payable out of the county treasury as such. This amount of compensation shall be  
31 increased by multiplying said amounts by the percentage which equals 5 percent times the  
32 number of completed four-year terms of office served by any solicitor-general following  
33 December 31, 2004, effective the first day of January following the completion of each  
34 such period of service."

**SECTION 4.**

Said Act is further amended by striking Section 18 and inserting in lieu thereof the following:

**"SECTION 18.**

The clerk of the Superior Court of Worth County shall be, by virtue of his or her office and authority bestowed by Chapters 6 and 7 of Title 15 of the O.C.G.A., the clerk of the State Court of Worth County and the sheriff of Worth County shall be, by virtue of his or her office and authority bestowed by Chapter 16 of Title 15 of the O.C.G.A., the sheriff of said state court; and each shall, on behalf of the county and as an expense of court, receive compensation for services in said court as entitled to by Chapters 6, 7, and 16, respectively, of Title 15 of the O.C.G.A.; provided, however, that the minimum such compensation for the clerk and the sheriff shall be \$250.00 per month. The clerk of said state court shall have all authority bestowed upon him or her by Chapters 6 and 7 of Title 15 of the O.C.G.A. The clerk shall also supply all of the necessary personnel, equipment, supplies, and materials for the proper functioning of said state court, and the sheriff shall, likewise, do the same. All of the expenditures authorized in this section are declared to be an expense of said court and payable out of the county treasury as such; provided, however, that the judge of the State Court of Worth County may appoint a person other than the clerk of superior court in lieu of the clerk of superior court by order of the court who shall have all the powers, duties, and compensation as if the clerk of superior court acted in said capacity."

**SECTION 5.**

Said Act is further amended by inserting immediately following Section 20 a new section to read as follows:

**"SECTION 20A.**

The judge of the State Court of Worth County, the solicitor-general of the State Court of Worth County, and their office personnel shall be authorized to participate in any employment benefit package available to any other employees of Worth County upon such terms and conditions as applicable to other employees of Worth County."

**SECTION 6.**

This Act shall become effective on January 1, 2003.

**SECTION 7.**

All laws and parts of laws in conflict with this Act are repealed.